
(2022) 11 UK CK 0093
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 425 Of 2020

Abha Singh

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 30-11-2022

Acts Referred:

Citation : (2022) 11 UK CK 0093

Hon'ble Judges : Vipin Sanghi, CJ; Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : Yogesh Pacholia, K.N. Joshi

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. The petitioner is a public servant.

2. The reliefs sought in the writ petition are the following:-

“(i) issue writ order or direction in the nature of quashing the part of the order dated 29.03.2019 (Annexure no. 18) passed by respondent no. 1 so far as it relates to sanction of leave without pay from 14.08.2015 to 03.08.2016 (total 356 days).

(ii) issue writ order or direction in the nature of mandamus directing the respondents to release the salary of the petitioner for a period of 14 Aug 2015 to 3 Aug, 2016 during which the petitioner was kept in waiting by the respondent no. 4 despite of the fact that she reported for joining in the Office of District Ayurvedic and Unani Officer District Chamoli i.e. respondent no. 4 on 14-8-2015.

(iii) issue writ order or direction in nature of mandamus directing the respondents to grant the increment on the salary of the petitioner and other consequential benefit which was stopped due none payment of salary for a period of 14 Aug 2015 to 3 Aug, 2016.”

3. The reliefs sought by the petitioner in the writ petition squarely fall for consideration within the jurisdiction of the Uttarakhand Public Services Tribunal.
4. Considering the fact that the Writ Petition has been pending since 2020, and a counter-affidavit on behalf of respondent No. 3 and rejoinder thereto have been filed, we are inclined to direct the Registry to transfer the complete record of this Writ Petition to the Uttarakhand Public Services Tribunal, Nainital Bench. The Tribunal shall register the same as a Claim Petition, and deal with the same accordingly. The Tribunal is requested to expedite the hearing of the Claim Petition, provided the petitioner does not seek any adjournment.
5. The Writ Petition stands disposed of accordingly.